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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,831	09/15/2003	Barin Geoffry Haskell	113030Con	1180
26652 7590 01/08/2007 AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER HUYNH, CONG LAC T	
			ART UNIT	PAPER NUMBER
			2178	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/662,831		HASKELL ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Cong-Lac Huynh		2178	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-46 is/are pending in the application.
- 4a) Of the above claim(s)        is/are withdrawn from consideration.
- 5) ☐ Claim(s)        is/are allowed.
- 6) ☒ Claim(s) 18, 19 and 46 is/are rejected.
- 7) ☒ Claim(s) 20-45 is/are objected to.
- 8) ☐ Claim(s)        are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on        is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No.       .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: <u>      </u>                              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>      </u>  | 6) <input type="checkbox"/> Other: <u>      </u>                  |

### **DETAILED ACTION**

1. This action is responsive to communications: amendment filed 10/19/06 to the application filed 9/15/03, which is a continuation of the application 09/236,462 filed on 1/25/99, now US Pat No. 6,654,931, which claims benefit of 60/072,923 filed 1/28/98.
2. Claims 18-46 are pending in the case. Claims 18 and 46 are the independent claims.
3. The rejections of claims 18-46 under 35 U.S.C. 101 have been withdrawn in view of the amendment.

#### ***Claim Objections***

4. Claim 18 is objected to since the word "scene" after "(BIFS)" (line 5) appears to be redundant.

#### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 18, 19, and 46 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 4 of U.S. Patent No. 6,654,931. Although the conflicting claims are not identical, they are not patentably distinct from each other because the audio-visual object systems as claimed in the two cases include the same components. Specifically, beside the media decoder and the compositor both have, the demultiplexer as in '831 is the same as the demultiplexing element in the demultiplexing layer in '931; the binary format of scene browser for *interacting* with a user in '831 is the same as the access layer for *accessing media by user* in '931; the binary format of scene description graph interpreter for *interpreting* the MPEG-4 data in '831 is the same as the MPEG-4 media *decoder* in '931 since both are for translating MPEG-4 media data; and the renderer in '831 that receives the interpreted MPEG-4 data and *presents* at least one object on the audiovisual object demultiplexer and binary format of scene browser is the same as the *display* in '931, which is for presenting the media object with browser.

***Allowable Subject Matter***

7. Claims 20-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Basso et al. (US 6,751,623, 06-2004). Crinon (US 6,801,575, 10-2004).

Liang et al. (US 2002/0133546, 09-2002). Mallart (US 2003/0037156, 02-2003).

Eleftheriadis et al. (US 6,092,107, 7/18/00). Eleftheriadis et al. (US 6,079,566, 6/27/00).

Bober et al., Video Coding for Mobile Communications – MPEG4 Perspective, Google 1996, pages 1-9.

Chiariglione, MPEG : A Technological Basis for Multimedia Applications, IEEE1995, pages 85-89.

Battista et al., MPEG-4: A Multimedia Standard for the Third Millennium, Part 1, IEEE 1999, pages 74-83.

Battista et al., MPEG-4: A Multimedia Standard for the Third Millennium, Part 2, IEEE 2000, pages 76-84.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Thurs (9:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cong-Lac Huynh  
Primary Examiner  
Art Unit 2178  
12/26/06